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7 Attorneys for Plaintiffs

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
10

11 National Association of African-  
American Owned Media, a California  
12 limited liability company; and  
Entertainment Studios Networks, Inc., a  
13 California corporation,

14 Plaintiffs,

15 v.

16 Comcast Corporation, a Pennsylvania  
corporation; Time Warner Cable Inc., a  
17 Delaware corporation; National  
Association for the Advancement of  
18 Colored People, a New York  
corporation; National Urban League,  
19 Inc., a New York corporation; Al  
Sharpton, an individual; National  
20 Action Network, Inc., a New York  
corporation; Meredith Attwell Baker, an  
21 individual; and DOES 1 through 10,  
inclusive,,  
22

23 Defendants.  
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26  
27  
28

**CASE NO. 2:15-cv-01239-TJH-MAN**

**DECLARATION OF MARK  
DEVITRE IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
TIME WARNER CABLE INC.'S  
MOTION TO DISMISS  
COMPLAINT PURSUANT TO  
RULE 12(B)(6)**

[Opposition to Time Warner Cable  
Inc.'s Motion to Dismiss Pursuant to  
Rule 12(b)(6) and Request for Judicial  
Notice filed concurrently herewith]

Judge: Hon. Terry J. Hatter, Jr.  
Date: June 8, 2015  
Time: UNDER SUBMISSION  
Crtrm.: 17

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1 I, Mark DeVitre, declare and state as follows:

2 1. I am over the age of 18 and not a party to this litigation. I am an  
3 attorney duly licensed to practice before all courts of the State of California and am  
4 the general counsel of Entertainment Studios Networks, Inc. ("ESN"), a named  
5 Plaintiff in this action. I am also the registered agent for National Association for  
6 African American-Owned Media ("NAAAOM"), the other named Plaintiff in this  
7 action. I have personal knowledge of the facts set forth in this declaration and, if  
8 called as a witness, I could and would competently testify under oath to all of said  
9 facts.

10 2. NAAAOM was formed on November 13, 2014. A true and correct  
11 copy of the Business Entity Detail for National Association of African American  
12 Owned Media, LLC (entity number 201431710321) is attached hereto as **Exhibit A**.

13 3. Although NAAAOM is a newly created organization, it is open for new  
14 membership and several 100% African American-owned media companies have  
15 expressed interest in joining NAAAOM to promote its mission.

16 4. Since launching its website, NAAAOM has also received hundreds of  
17 registrants for its electronic newsletters.

18 I declare under penalty of perjury and the laws of the State of California and  
19 the United States of America that the foregoing is true and correct.

20 Executed on May 7, 2015, at Los Angeles, California



21  
22  
23 MARK DEVITRE